

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5th Floor  
P.O. Box 45029  
Newark, New Jersey 07101

FILED

APR 29 2013

New Jersey Board of Nursing

By: Barbara J.K. Lopez  
Deputy Attorney General  
(973) 648-7454

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
CYNTHIA VARAKIAN, RN	:	CONSENT ORDER
License # 26N010307800	:	
	:	
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of Cynthia Varakian's application dated June 1, 2012 to reinstate her lapsed license as a Registered Professional Nurse, including certification and authorization form for a criminal history background check dated July 4, 2012. Upon review of the results of the criminal history background check, the Board ascertained that the applicant was arrested and convicted on multiple occasions.

First, Respondent was arrested on October 16, 1979 by members

of the North Arlington Borough Police Department, New Jersey, and charged with four counts of violating N.J.S.A. 2C:20-3(b) (Theft). On or about February 14, 1980 in the North Arlington Municipal Court, Respondent was found guilty of the original charges, sentenced to three years' probation, and assessed five hundred dollars (\$500).

Second, Respondent was arrested on or about August 1, 1980 by members of the North Arlington Borough Police Department for violating N.J.S.A. 2C:20-3(a) (Larceny) and N.J.S.A. 2C:20-7 (Receiving Stolen Property). On September 25, 1981, in the Bergen County Superior Court, Respondent was found guilty of violating N.J.S.A. 2C:20-7, sentenced to two years' probation and assessed five hundred and twenty-five dollars (\$525).

Third, Respondent was arrested on March 16, 1984 by members of the Margate City Police Department, New Jersey, for violation of N.J.S.A. 2C:20-9 (Theft by Unlawful Taking). On or about July 20, 1984 in the Atlantic County Superior Court, Respondent was found guilty, sentenced to two years of probation and was assessed four thousand and twenty-five dollars (\$4,025). Court records indicate that Respondent's probation was extended one year on October 10, 1986.

Lastly, Respondent was arrested on August 9, 1987 by members of the North Arlington Borough Police Department for violation of N.J.S.A. 2C:35-10(a)(1) (Possession of Controlled Dangerous

Substances). Respondent appeared on October 15, 1987 at the North Arlington Municipal Court, was found guilty of violation of N.J.S.A. 2C:36-2 (Possession of Drug Paraphernalia), sentenced to six months suspended drivers' license, and was assessed one thousand one hundred dollars (\$1,100).

The applicant failed to disclose these arrests and convictions on her application for reinstatement, answering "No" to question 3 on the application to reinstate and "No" to question 6 on the certification and authorization form for a criminal history background check. After the Board contacted the applicant with the results of the criminal history background check, she responded and explained that her husband, who had been arrested numerous times, was a drug addict and physically abused her. The applicant explained that her husband was arrested in 1979, 1980 and 1984 on theft related charges and claimed that he convinced her to take responsibility for the crimes. She was told that they were misdemeanors and could be easily expunged. By 1987, her husband had gotten out of jail and physically abused her again. The applicant took her husband's car and left him, however, the police, upon report of the car being stolen, found a scale in the trunk and arrested the applicant for possession of narcotics equipment. The applicant maintains that she never abused drugs and that after leaving her husband, she enrolled in nursing school.

The applicant explained that she checked "No" to the questions on the applications because an attorney she retained in 1992 represented that he could have the arrests expunged from her record. In addition, employer background checks in Florida and New Mexico, where the applicant had relocated, returned with no criminal history record and lead the applicant to believe that her arrest record had in fact been expunged.

The Board finds that the applicant's use of dishonesty, deception or misrepresentation in not disclosing her arrests and convictions on her application form and criminal history background check constitutes a violation of N.J.S.A. 45:1-21(b).

The Board having reviewed this matter, and having considered the nature of the above conduct and the applicant's detailed explanation, and the parties desiring to resolve this matter, and the Board having determined that the within Order is sufficiently protective of the public, in lieu of further proceedings, and for other good cause shown;

IT IS on this 29 day of April, 2013

HEREBY ORDERED AND AGREED that:

1. Cynthia Varakian's application to reinstate her lapsed RN license shall be granted upon payment of a civil penalty hereby imposed in the amount of two hundred and fifty dollars (\$250) for failing to disclose her arrests and convictions on her application

and certification and authorization for a criminal history background check. Payment shall be in the form of a certified check or money order made payable to the State of New Jersey, and shall be submitted contemporaneously with this signed Order.

2. The applicant shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of nursing in any State or jurisdiction in which she practices nursing.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APRN, FAAN  
Patricia Murphy, PhD, APN  
Board President

I have read and understand  
the within Consent Order  
and agree to be bound by  
its terms.

Cynthia Varakian 4/25/13  
Cynthia Varakian Date  
RN License # 26NO10307800